

REMARKS

Claims 1-96 are pending. Claims 1-96 are rejected. Applicants respectfully request reconsideration of the present application in view of the amendments above and the remarks set forth below.

REJECTION UNDER 35 U.S.C. § 112

Claim 10 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter which the Applicants regard as the invention.

Claim 10 is rejected because the limitation “microprocessor” has insufficient antecedent basis. Applicants have amended claim 10 to correct the antecedent basis problem with “microprocessor.” This amendment should overcome the rejection under 35 U.S.C. § 112.

Applicants have also amended claims 1, 6-9, 12-14, 19, 21, 23, 25, 29-33, 36-37, 40-44, 46, 48-50, 54-55, 59-60, 62, 64, 66-68, 70, 72-73, 75, 77-78, 80, 82, 84, 86, 88, 90, and 95-96 to correct possible grammatical and antecedent basis problems.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-96 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,917,405 to Joao (hereinafter “Joao”).

Joao teaches a control apparatus for a vehicle that includes a first control device in a vehicle. (Abstract) The first control device generates and transmits a first signal for activating, deactivating, enabling, and disabling one of a vehicle component, a vehicle device, a vehicle system, and a vehicle subsystem. (Abstract) Amended claim 1 recites a control board configured

to place the data into at least one packet and transmit the at least one packet from the control board using wireless communications. Joao does not teach or suggest all the claim limitations of amended claim 1. Specifically, Joao does not teach or suggest any packet processing. Therefore, claim 1 is allowable for at least the above stated reasons over Joao.

Claims 2-9 and 19-36 are dependent either directly or indirectly from claim 1 and are allowable for at least the same reasons as claim 1 over Joao. Additionally, in regards to claims 2-9 and 19-36, the Office Action recites, “although not specifically taught by Joao, considering the multitude of sensors and data collection devices included in Joao as discussed above, it would have been obvious that the devices would have included a combination of digital and analog sensors, converters, protocol, serial data interfaces, data packets, compressed data, GPRS/GSM gateway, parallel or serial ports, telemetry radio, server decompressor, N-byte wide messages, header and sensor data, and as well identifiers since this would have been necessary in order for data to be communicated to the CPU and the server computer (510) in order for monitoring and control functions to be process[ed] by the CPU and users of the system.”

Applicants respectfully traverse these rejections because the Office Action fails to establish a *prima facie* case of obviousness. The first criteria to establish a *prima facie* case of obviousness is that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In limited circumstances, it is appropriate for an examiner to take official notice of facts not in the record or to rely on “common knowledge” in making a rejection, however such rejections should be judiciously applied. MPEP 2144.03. The Office Action does recite that the claim limitations are “not specifically taught” in Joao. The Office Action does not take official

notice of facts that are well-known or are common knowledge in the art that are capable of instant and unquestionable demonstration as being well-known. Instead, the Office Action simply lists the claim limitations of claims 2-9 and 19-36 as “obvious” as a conclusory statement based on being necessary for communications between the CPU and the server computer 510 in Joao. Furthermore, the Office Action does not expressly establish that the claim limitations of claims 2-9 and 19-36 are “common knowledge.” Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions concerning what is “basic knowledge” or “common sense” to ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection). The Office Action also does not provide any additional evidence to support any assertion that the claim limitations are “common knowledge.” Therefore, if the rejections are not withdrawn, Applicants respectfully request documentary evidence to support any official notice or assertion of common knowledge. Otherwise, Applicants respectfully request for withdrawal of the rejections and allowance of claims 2-9 and 19-36.

Claims 10-12 are dependent either directly or indirectly from claim 1 and are allowable for at least the same reasons as claim 1 over Joao.

Claims 13-14 are dependent either directly or indirectly from claim 1 and are allowable for at least the same reasons as claim 1 over Joao. Additionally, the Office Action states that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate solar/battery system in the electrical system of Joao, such the voltage of a solar/battery system would have been measured by the electrical system, since this would have

provided a well known and low cost means of providing electricity to the system of Joao."

Applicants respectfully traverse any suggestion that one of ordinary skill in the art would incorporate a solar/battery system into Joao. The Office Action cites the electrical system 1607 of FIG. 16. FIG. 16 discloses a system for a commercial office and/or premises control system. One skilled in the art would not have incorporated a solar/battery system with FIG. 16 because there is no relationship or suggestion between commercial offices and solar power or batteries. Therefore, claims 13-14 are allowable for at least the above stated reasons over Joao.

Claims 15-18 are dependent either directly or indirectly from claim 1 and are allowable for at least the same reasons as claim 1 over Joao.

Claim 37 is allowable for at least the same reasons as claim 1 over Joao. Claims 38-54 are dependent either directly or indirectly from claim 37 and are allowable for at least the same reasons as claim 37 over Joao. Also, the arguments above apply to claims 37-54.

Claim 55 is allowable for at least the same reasons as claim 1 over Joao. Claims 56-72 are dependent either directly or indirectly from claim 55 and are allowable for at least the same reasons as claim 37 over Joao. Also, the arguments above apply to claims 55-72.

Claim 73 is allowable for at least the same reasons as claim 1 over Joao. Claims 74-89 are dependent either directly or indirectly from claim 73 and are allowable for at least the same reasons as claim 73 over Joao. Also, the arguments above apply to claims 73-89.

Claim 90 is allowable for at least the same reasons as claim 1 over Joao. Claims 91-94 are dependent either directly or indirectly from claim 90 and are allowable for at least the same reasons as claim 90 over Joao. Also, the arguments above apply to claims 90-94.

Claim 95 is allowable for at least the same reasons as claim 1 over Joao. Claims 96 is dependent from claim 95 and is allowable for at least the same reasons as claim 95 over Joao. Also, the arguments above apply to claims 95-96.

CONCLUSION

Therefore, in view of the above remarks this application is in condition for allowance, and the Examiner is respectfully requested to allow this application. The Examiner is invited to contact Applicants' undersigned representative regarding any issues that the Examiner feels are still outstanding.

Respectfully submitted,

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